

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Leamon Joyner,

Plaintiff,

-v.-

1:05-CV-0675
(NPM/VEB)

Commissioner of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Erwin, McCane Law Firm
23 Elk Street
Albany, NY 12207

Thomas C. Erwin

FOR DEFENDANT:

Office of the United States Attorney
100 South Clinton Street
Syracuse, NY 13261-7198

William Pease, AUSA

Neal P. McCurn, Senior District Judge

Order

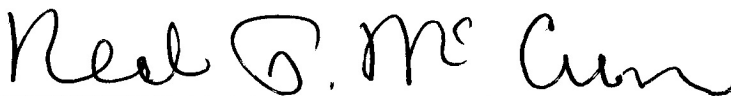
Plaintiff, Leamon Joyner, brings this action pursuant to the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), seeking review of a final decision of the defendant, Commissioner of Social Security (“the Commissioner”), denying his application for Disability Insurance Benefits (“DIB”) and Supplemental Security

Income (“SSI”). By Report-Recommendation dated November 23, 2009, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommends that the Commissioner’s decision denying disability and SSI benefits be remanded for further proceedings in accordance with his recommendation and pursuant to sentence four of 42 U.S.C. § 405(g). See Dkt. No. 16. Neither party having objected thereto, and this court having carefully reviewed same for clear error, this court adopts the Report-Recommendation in its entirety. See 28 U.S.C. § 636(b)(1).

Accordingly, it is ORDERED that the Commissioner’s decision denying disability and SSI benefits be remanded for further proceedings in accordance with the November 23, 2009 Report-Recommendation of the Honorable Victor E. Bianchini, United States Magistrate Judge and pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

DATED: December 28, 2009
Syracuse, New York



Neal P. McCurn
Senior U.S. District Judge